THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION No.2621 of 2006

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Dated: 14-02-2006

Between:

D. Jaya Srinivas.

..... PETITIONER

AND

The Government of Andhra Pradesh rep. by its District Collector, Ranga Reddy District and others and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 2621 of 2006

ORDER:

This writ petition is filed seeking a writ of mandamus questioning the action of

the 3rd respondent in not disposing of the interim application in statutory Appeal No.B3/2034/3005, dated 13-06-2005, preferred under Section 10 of the Andhra Pradesh Land Encroachment Act (for short 'the Act'), even after a lapse of 8 months, notwithstanding the exigency as was pleaded repeatedly before the said Appellate Authority by the petitioner, as illegal, arbitrary and violative of the Articles 14 and 300A of the Constitution of India.

The case of the petitioner is that as against the order passed by the Mandal Revenue Officer, Uppal Mandal, Ranga Reddy District, in proceedings No.B/14928/2004, dated 24-05-2005, evicting the petitioner from the encroachment of the land in question, on the ground that the petitioner unauthorisedly occupied 300 square yards of Government land bearing Sy.No.181/1/1 of Kothapet Village, Uppal Mandal, Ranga Reddy District i.e., two rooms constructed in H.No.1-7-154, Chaitanyapuri, Kothapet village,

an appeal has been filed before the Revenue Divisional Officer, Hyderabad East Division, Ranga Reddy District and the same is pending.

The learned Government Pleader for Revenue submits that the possession was already taken and therefore, the question of granting interim stay, pending the appeal does not arise.

Having regard to the facts and circumstances of the case, the third respondent, before whom the appeal is pending under Section 10 of the Act, is directed to consider and dispose of the appeal on its own merits, uninfluenced by any of the observation made by this court, as expeditiously as possible, within six weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No order as to costs.

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14-02-2006

sj